

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BLUEFIELD DIVISION

RITA M. FORTNER,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:08-00898
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
Defendant.)	

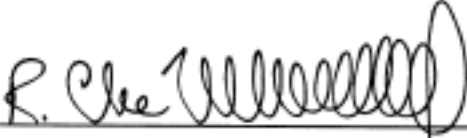
MEMORANDUM OPINION AND ORDER

The Defendant, Michael J. Astrue, Commissioner of the Social Security Administration, by counsel, Stephen M. Horn, Assistant United States Attorney for the Southern District of West Virginia, has moved the Court to remand this case to the Commissioner pursuant to the provisions of sentence four of 42 U.S.C. § 405(g). (Document No. 14 at ¶¶ 1 and 6.) Counsel for the Defendant asserts that on remand, “the Commissioner, through the Appeals Council, will propose to issue a new decision that addresses the requirements of Albright v. Comm’r of Soc. Sec. Admin., 174 F.3d 473 (4th Cir. 1999) and Acquiescence Ruling 00-1(4).” (Document No. 14 at ¶ 3.) Counsel further states that the “Appeals Council will offer the claimant thirty days to submit additional evidence on the proposal to issue a decision. The Appeals Council will then issue a decision.” (Id.) Both parties have consented to disposition by the United States Magistrate Judge. (Document Nos. 3 and 4.)

Accordingly, there being good cause for the Defendant’s Uncontested Motion for Remand and there being no objection, it is hereby **ORDERED** that the Defendant’s Motion for Remand (Document No. 14.) is **GRANTED**. This case is **REMANDED** to the Commissioner of Social Security for further proceedings before an Administrative Law Judge as specified by the Commissioner in his Motion to Remand pursuant to the provisions of sentence four of 42 U.S.C. § 405(g).

The Clerk is directed to send a copy of this Order to counsel of record.

ENTER: February 3, 2009.



R. Clarke VanDervort
United States Magistrate Judge